



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**March 15, 2006**

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**SUBJECT:**           **2006-0697 – Kenneth Liang** [Applicant] **Dick's Lakewood Corp.** [Owner]: Application on a 4.4-acre site located at **1149 Lawrence Expressway** (near Lakedale Wy) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District.

Motion               Use Permit to allow a restaurant with on-site service of beer & wine.

**REPORT IN BRIEF**

**Existing Site Conditions**           Vacant Tenant Space within a Shopping Center

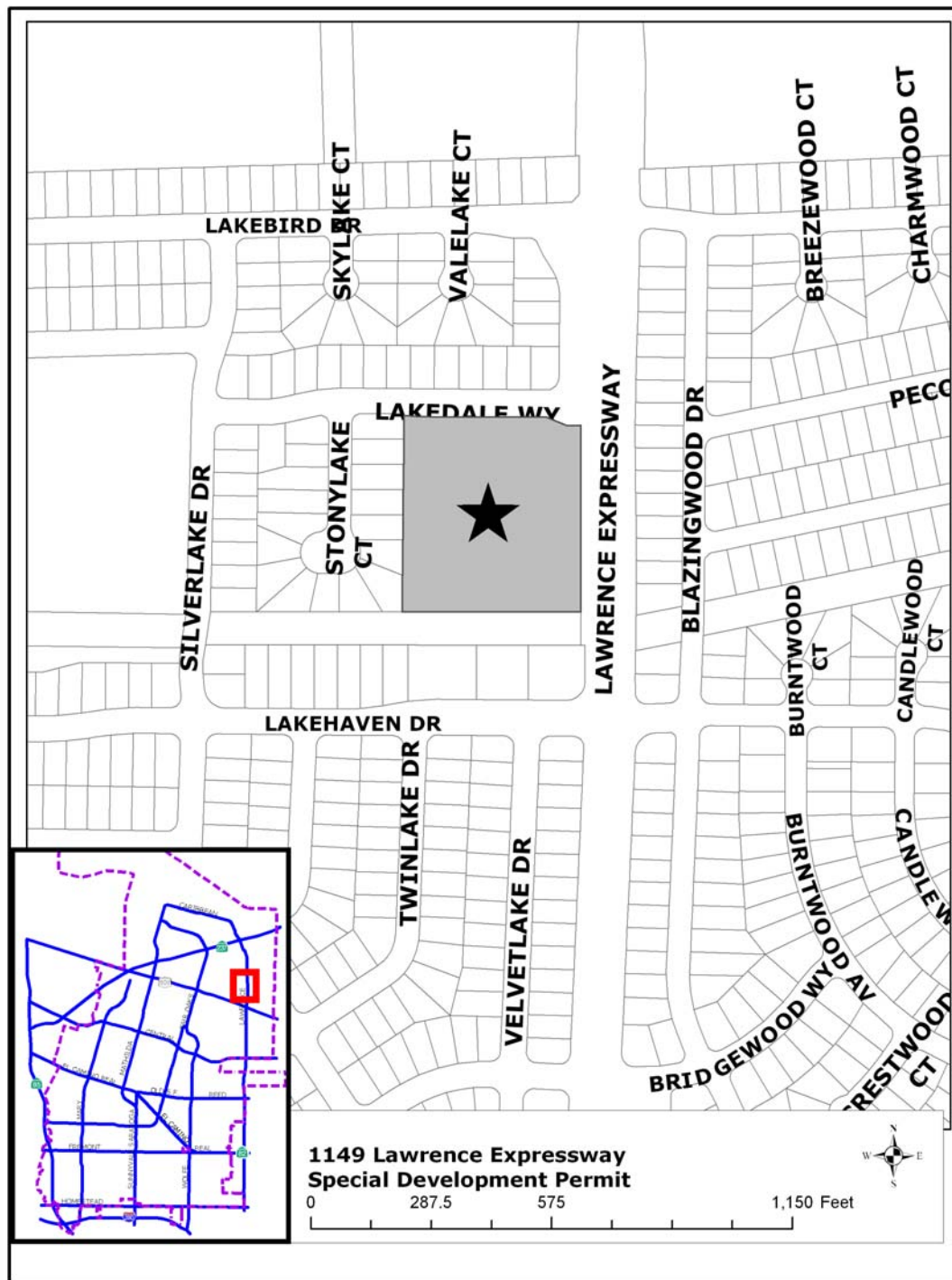
**Surrounding Land Uses**

North	Duplexes across Lakedale Ave
South	Auto Repair & Gas Station
East	Single-Family Home across Lawrence Expressway
West	Single Family Homes

**Issues**                               Compatibility of Use, Parking

**Environmental Status**           A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approve with conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Commercial Neighborhood Shopping	Same	Commercial Neighborhood Shopping
<b>Zoning District</b>	M-S	Same	M-S
<b>Lot Size (s.f.)</b>	192,971	Same	22,500 min.
<b>Gross Floor Area (s.f.)</b>	56,900	Same	No max.
<b>Gross Floor Area of Tenant</b>	1,500	Same	67,539
<b>Parking</b>			
<b>Total Spaces</b>	429	Same	253 min. (419)
<b>Standard Spaces</b>	375	Same	391 min.
<b>Compact Spaces/ % of Total</b>	50	Same	43 max. (10% of total)
<b>Accessible Spaces</b>	7	Same	9 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

**ANALYSIS****Description of Proposed Project**

The applicant is proposing a new restaurant with beer and wine service within a multi-tenant shopping center. The space had previously been vacant. A Special Development Permit is required for all new restaurants, including those requesting on-site sale of alcohol service, within this shopping center.

**Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
2006-0093	A new restaurant with beer and wine service (1133 Lawrence Expwy.)	Administrative / Approved	3/15/06
2001-0197	Letter of Convenience and Necessity for beer and wine	Staff/Approved	5/2/2001
2000-0832	Allow Ballroom Dance School	Administrative/ Denied	1/10/2001
1998-0351	New Restaurant	City Council (by appeal)/ Approved	7/15/1998
1998-0038	Upgrades to the architecture and site	Planning Commission (by appeal) / Approved	11/25/1996
1994-0027	New Restaurant	Administrative/ Approved	6/29/04
1993-0009	New Restaurant	Administrative/ Approved	1/19/93

The applications listed above are only a partial list for the entire shopping center and are not specific to the subject tenant space.

### **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes changes of use in existing facilities.

### **Use Permit**

**Use:** The proposed use is for a restaurant with on-site sale and consumption of beer and wine. The Department of Public Safety has reviewed the proposal and has commented on the requirement of receiving a license from the Department of Alcoholic Beverages Control (ABC) for the sale and consumption of liquor. At this time, the applicant is not proposing any live entertainment. Condition of Approval #1G requires a Use Permit if live entertainment is requested in the future. Staff recommends Condition of Approval #1.D, which states the hours of operation are as follows: 11am – 11pm daily.

**Site Layout:** This restaurant is located within an existing shopping center consisting of 13 tenant spaces. Planned interior modifications may require a

building permit. At this time, the applicant is not proposing any exterior changes to the building. The applicant has noted possible exterior modifications limited to the specific tenant space. These changes will be subject to review through a Miscellaneous Plan Permit application. The building and overall site underwent remodeling and general improvement within the last ten years.

**Floor Plan:** A seating area for customers is located towards the front of the tenant space. Restrooms are located towards the middle while a kitchen area is situated at the back of the building. The request does not include an exclusive bar for alcohol service within the facility. (A Site Plan and Floor Plan is included in Attachment C)

**Parking/Circulation:** The site contains 434 parking spaces. For shopping centers over 50,000 square feet a total of 253 parking spaces are needed. However, Sunnyvale Municipal Code 19.46.020 specifies that when one use comprises 10 percent of the floor area for the center, a combination of each of the parking rates shall apply. Including the propose use, the shopping center would be composed of approximately 32% restaurant; therefore, a rate that takes into account each use would apply. Attachment E contains a chart indicating the required parking for each of the uses on site. In summary, the revised rate indicates that approximately 424 spaces are needed for the shopping center. Therefore, the site provides adequate parking capacity for each of the uses on-site.

The site provides 50 compact spaces where on 43 (10 percent) is allowed for shopping center uses. As parking requirements for the entire site are met and there are no further modifications proposed, staff is not requiring any modifications to the current parking of the site. The applicant has indicated that only seven spaces are delineated for handicap accessible parking. A total of nine spaces are required. Planning staff has included Condition of Approval #1G to provide nine handicap spaces. The Traffic Division notes that the site also lacks a stop sign and stop legend at the driveway exit. Condition of Approval #1H requires that these improvements be made.

**Compliance with Development Standards/Guidelines:** The proposed project complies with all development standards and guidelines with the exception of compact parking as noted in the above section.

**Expected Impact on the Surroundings:** Staff finds that the proposed restaurant with beer and wine service will not have a negative impact to the site or surrounding uses. The use would not create an over-concentration for alcohol sales in combination with similar uses within the shopping center. The site contains adequate parking for all uses within the shopping center. As

conditioned, the project will be required to receive an additional Special Development Permit if live entertainment is requested in the future.

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**Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

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**Public Contact**

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Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 36 notices mailed to property owners and residents adjacent to the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

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**Conclusion**

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**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

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**Alternatives**

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1. Approve the Special Development Permit with the recommended Conditions of Approval found in Attachment B.
2. Approve the Special Development Permit with modified Conditions of Approval.
3. Deny the Special Development Permit.

**Recommendation**

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Alternative 1.

Prepared by:  
Ryan M. Kuchenig  
Project Planner

Reviewed by:  
Andrew Miner  
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Justifications and Project Description submitted by the Applicant
- E. Parking Chart

### **Recommended Findings – Special Development Permit**

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Goals and Policies that relate to this project are:

#### **Land Use and Transportation Element**

*Policy N1.7- Support the location of convenient retail and commercial services (e.g. restaurants and hotels) in industrial areas to support business, their customers and their employees.*

#### **Land Use and Transportation Element**

*Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

### **Recommended Findings – Special Development Permit**

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. *(Finding Met)* The proposed use meets all development standards including parking for the site. The beer and wine service will enable the business to provide additional services to its patrons while not causing any negative impacts to surrounding uses.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District. *(Finding Met)* A new restaurant with beer and wine service will not be detrimental to the public welfare or injurious to surrounding properties, through conformance to the conditions of approval and compliance with the Sunnyvale Municipal Code. Restaurants that include the on-site service of beer and wine are located near the subject site.



### **Recommended Conditions of Approval – Special Development Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

#### **1 GENERAL CONDITIONS**

- A. The two-year expiration of the Use Permit shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
- B. Project shall be in substantial conformance to the approved plans. Minor changes may be approved by the Director of Community Development. Major changes shall be approved at a public hearing.
- C. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- D. The operation hours for the business shall be as follows:  
11:00am – 11:00pm - Daily
- E. All proposed signs shall comply with the established Master Sign Program.
- F. Any proposed live entertainment use shall require a public hearing through a Use Permit.
- G. The site shall provide nine handicap accessible parking spaces.
- H. Install a stop sign and legend at the driveway exit of the site.

#### **2. RECYCLING AND SOLID WASTE**

- A. Prior to approval of a building permit, submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval that indicates that all uses in the center can be accommodated by enclosures on site.

- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The property shall remain clean and free of debris and garbage.

SITE PLAN

SCALE: 1" = 30'-0"

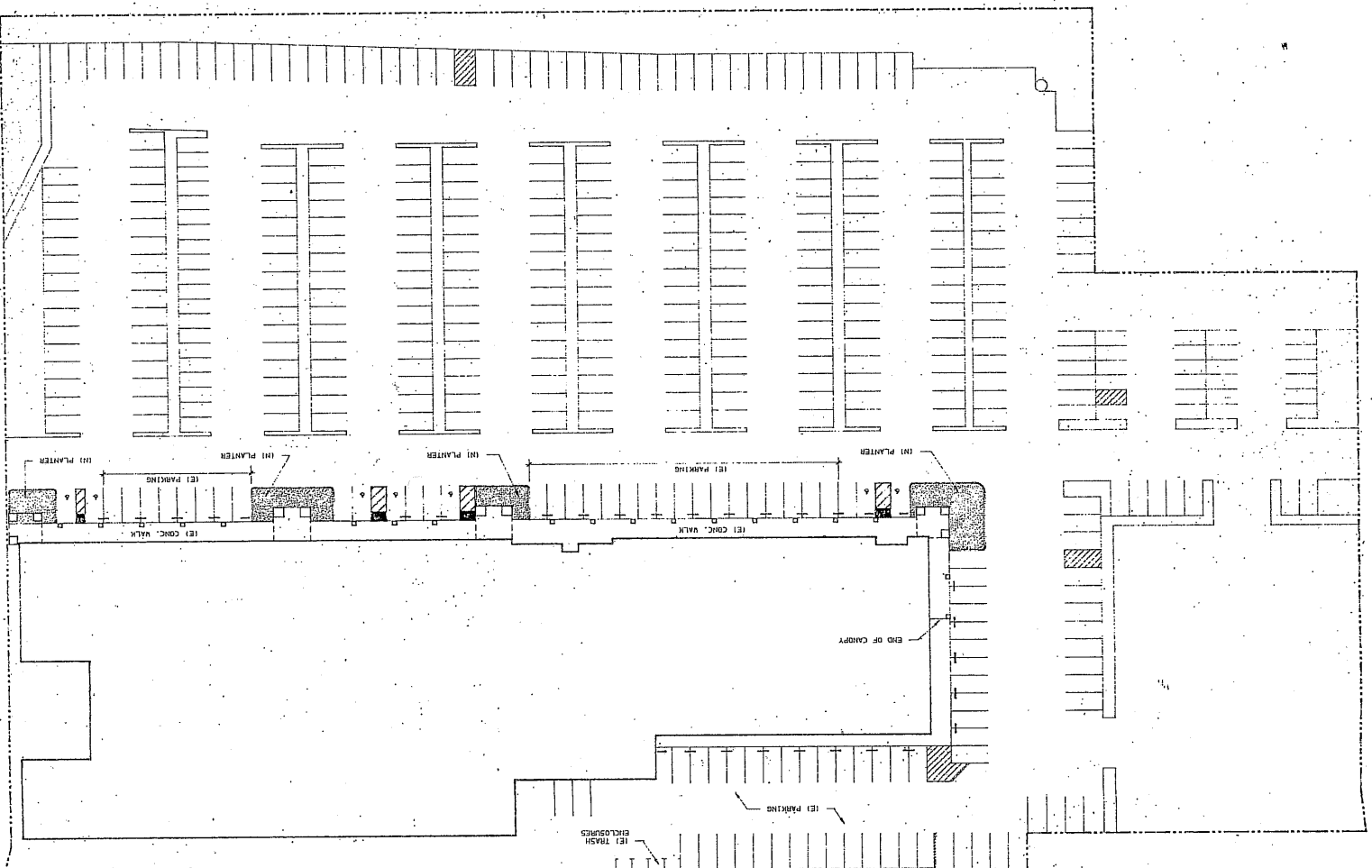


BY: CP  
LST: X  
DATE: 08-15-96  
JOB: 96M44

REVISIONS:

SITE 1M

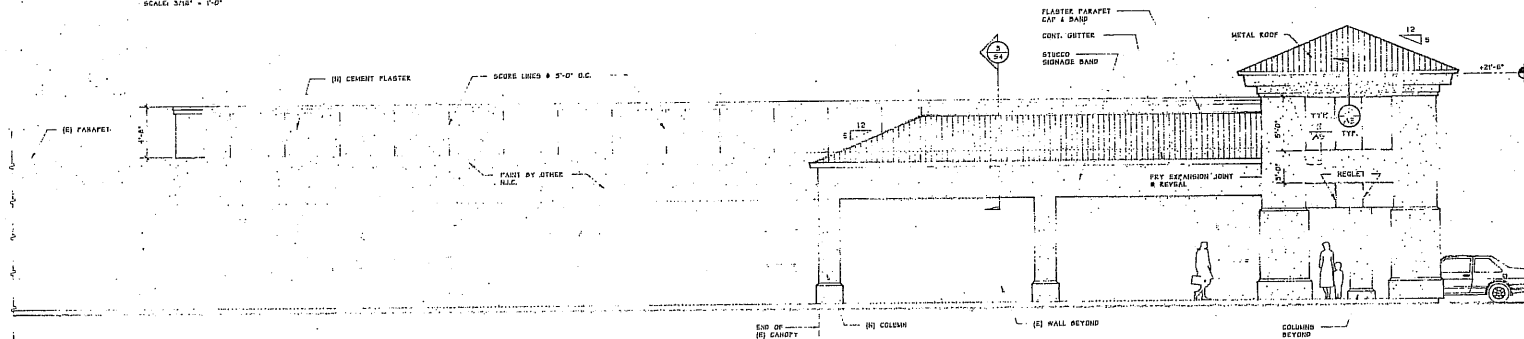
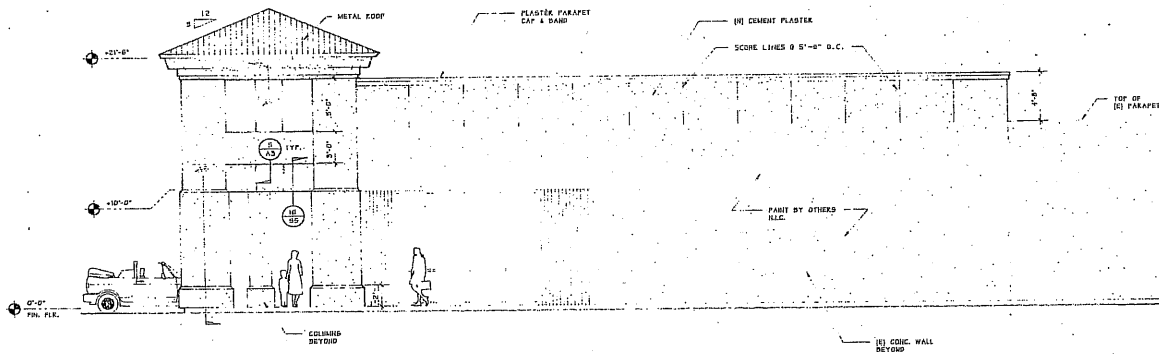
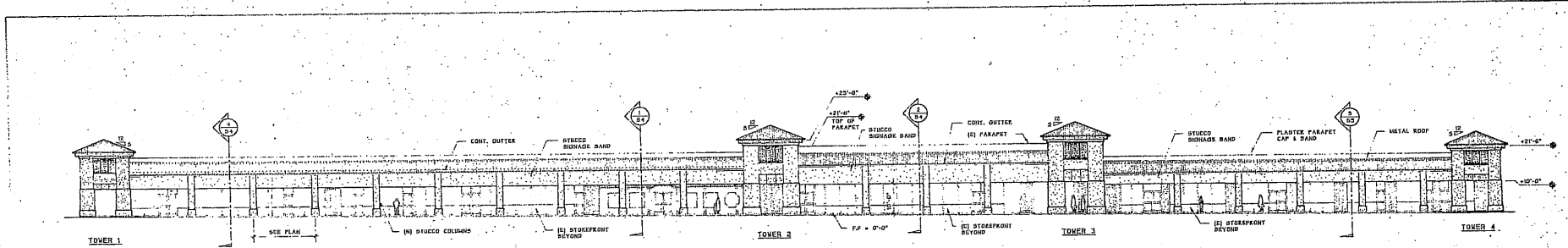
REMODEL FOR:  
**LAKEWOOD  
SHOPPING CENTER**  
SUNNYVALE, CALIFORNIA



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QUIZLY SUNNYVALE  
 $\frac{1}{4}'' = 1'-0''$



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REMODEL FOR:  
**LAKEWOOD SHOPPING CENTER**  
SUNNYVALE, CALIFORNIA

EXTERIOR ELEVATIONS

ATTACHMENT

BY: CP  
LIST: X  
DATE: 08-13-96  
JOB: 96MP4  
SHEET: A2

## Special Development Permit Justifications

*Ensure that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair the orderly development of, or the existing uses being made of, adjacent properties.*

The proposed structure, located at 1149 N Lawrence Expressway, Sunnyvale, is one of the many structures inside of the Lakewood shopping center. There are already five restaurants in the mall, all serving different types of food. The proposal is to make the current structure, which is an empty space, into a café like restaurant. We serve mostly specialty drinks and deserts, which do not introduce competition to the other businesses in the mall. We also serve Taiwanese style bento boxes, snacks and finger food, which allow customers to grab lunch to go along with our specialty drinks. We consider ourselves compliment to the existing mall tenants as customers can have lunch at other restaurants before/after ordering drinks from our café. In addition, we can draw additional customers to the mall since we are already a well-known café in the Asian community. We are adding diversity to the mall and drawing new customers.

We will impose no impact the adjacent properties since the construction work is solely done inside the building, and shall not cause inconveniences to adjacent businesses. The appearance of the structure can only introduce attraction and add more value to the mall. The exterior appearance of the structure is in accordance of the mall owner, so limited modification is planned for the exterior, except for the new signs, additional exterior lights to brighten the space, optional painting improvement to the space front, as discussed and approved with the mall owner. It would be a big advantage to the owner of the mall since we do a lot of improvement for the structure inside and will help to attract new customers to the mall.

## Description of the Project

### ***Objective of the Project:***

The objective of the project is to convert an empty space into a Café-like restaurant in the Lakewood Shopping Center. The addressed structure space is located at 1149 N Lawrence Expressway, Sunnyvale, CA.

### ***Propose Use and Business Hour:***

The Café focuses on serving Asian specialty drinks, deserts, and bento boxes. Majority of the menu items are specialty drinks, including different favors of flower teas, milk teas, coffee, juices, and smoothies. During winter times, we may change the menu items to include more hot dishes and hot beverages, as customers may not like cold drinks as much as in the summers. In addition, beverages containing alcohol would be served if requested by customers. Customers have the options to place to-go orders, or enjoy their food and drinks inside the café. However, we do anticipate a lot of to-go orders for our specialty drinks.

We currently plan to open 7 days a week, from 11am to 11pm. We may change the operating hour based on the customers' demand. However, changes to the business hour would be in compliant with the city codes as well as in accordances of Lakewood Shopping Center.

### ***Floor plan:***

The addressed space has a total of 1500 square foot (60 ft long x 25 ft wide.) The finished Café would have a wheel chair accessible bathroom, organized storage area, sanitary kitchen, and about 600 square foot of seating area with contemporary design. Currently, we plan to have seven round tables and two side bar table spaces. The maximum occupancies would not exceed 50 people. For more details, please see attached floor plan.

Business Name	Business Type	Square Ft
Lake Vista Liquors	Liquor store	4100
Giovanini's Pizza	Italian Food Restaurant	2900
Sunrise Noodle	Vietnamese Food Restaurant	3000
The Tub - Lakewood Lounge	Bar	3000
Sunny V Café	Japanese Food Restaurant	1700
Saigon Seafood Harbor Restaurant	Chinese Food Restaurant	7500
New Wing Yuan Market	Chinese Grocery Store	27000
Vacant	Potential Tea Drink Store	1500
Royal Cleaners	Dry Cleaning Store	900
Lakewood Dental Care	Dentist Office	1200
Instyle Beauty Salon	Beauty Salon	900
Lakewood Barber	Barber Shop	900
El Mero Mero Restaurant	Mexican Food Restaurant	1800



**Required Parking for  
Dick's Lakewood Shopping Center (by Individual Uses)**

Address (Lawrence Expressway)	S.F.	Business	Use	Rate (1 space per x)	Req. Parking
1119/1123	4,100	Office/Lake Vista Liquors	Office	180	22.8
1127	2,900	Giovanni	Restaurant	110	26.4
1129	3,000	Sunrise Noodle House	Restaurant	110	27.3
1131	3,000	La Copa	Bar	50	60.0
1133	1,700	Sunny V Café	Restaurant	110	15.5
1135	7,500	Saigon Seafood Harbor	Restaurant	110	68.2
1139	27,500	New Wing Yuen	Retail	180	152.8
1149	1,500	Quickly	Proposed Restaurant	110	13.6
1151	900	Royal Dry Cleaner	Dry Cleaner	180	5.0
1153	1,200	Lakewood Dental Care	Med. Office	200	6.0
1155	900	Instyle	Personal Service	180	5.0
1157	900	Lakewood Barber	Personal Service	180	5.0
1161	1,800	El Mero Mero	Restaurant	110	16.4
<b>Total S.F.</b>	<b>56,900</b>			<b>Required Parking</b>	<b>423.8</b>
					<b>424.0</b>

ATTACHMENT  
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